



BRB No. 2020-0117 BLA

REGINA M. WERZBICKE)	
(Widow of JACK WERZBICKE))	
)	
Claimant-Petitioner)	
)	
v.)	
)	
CONSOLIDATED ENERGY,)	DATE ISSUED: 11/09/202
INCORPORATED)	
)	
Employer-Respondent)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	ORDER on MOTION for
STATES DEPARTMENT OF LABOR)	RECONSIDERATION and
)	AWARD of ATTORNEY
Party-in-Interest)	FEES

Employer has filed a timely motion for reconsideration of the Board’s Decision and Order in *Werzbicke v. Consol Energy, Inc.*, BRB No. 20-0117 BLA (Feb. 24, 2021) (unpub.), affirming the award of benefits. 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407. Neither Claimant nor the Director filed a substantive response to its motion.

No member of the panel has voted to vacate or modify the Board’s decision. Therefore, Claimant’s motion for reconsideration is denied. 33 U.S.C. §921(b)(5); 20 C.F.R. §§801.301(c); 802.409.

Claimant’s counsel has filed a complete, itemized statement requesting an attorney’s fee for services performed before the Board in defending Claimant’s award. 20 C.F.R. §802.203(a). Counsel requests a fee of \$1,925.00 for 5.5 hours of legal services at an hourly rate of \$350. Employer has not filed objections to counsel’s fee petition.

Upon review of the fee petition, we find the requested fee to be reasonably commensurate with the necessary services performed in defending the awards of benefits. We thus approve a fee of \$1,925.00, for Employer to pay directly to Claimant's counsel.¹ 33 U.S.C. §928, as incorporated by 30 U.S.C. §932(a); 20 C.F.R. §802.203.

Accordingly, we deny Employer's motion for reconsideration, and Employer is ordered to pay Claimant's counsel an attorney's fee of \$1,925.00.

By Order of the Board:

Thomas O. Shepherd, Jr.

Clerk of the Appellate Boards

¹ The Board's award in this matter is of no precedential value given that counsel's fee petition is unopposed.